

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HEDDI LINDBERG,

Plaintiff,

v.

WELLS FARGO BANK N.A., et al.,

Defendants.

No. C 13-0808 PJH

ORDER DENYING RELIEF

Before the court is plaintiff's "application for entry of order staying foreclosure pending appeal and demand for reinstatement amount," filed on September 25, 2013. Defendant Wells Fargo Bank filed a response on September 26, 2013. Plaintiff seeks an order delaying foreclosure on the subject property in this case, and an order compelling Wells Fargo to provide a reinstatement quote.

Wells Fargo's response states that plaintiff first requested a reinstatement quote on September 23, 2013. On September 25, 2013, Wells Fargo informed plaintiff that the quote was being processed, and also informed plaintiff that the foreclosure would be delayed by one week (from October 2 to October 9), in order to provide plaintiff with extra time to reinstate the loan. However, plaintiff filed this motion on the night of September 25, 2013, not long before the reinstatement quote was provided on the morning of September 26, 2013. Wells Fargo further notes that plaintiff "creat[ed] her own urgency," because she has known about the trustee's sale and the dismissal of her bankruptcy filing since August 5, 2013, yet waited almost seven weeks to request a reinstatement quote. Regardless,

1 now that a reinstatement quote has been provided, the court DENIES plaintiff's request for
2 a quote as moot.

3 Plaintiff also requests that the court enjoin Wells Fargo from conducting the
4 scheduled trustee's sale. The court notes that plaintiff has already moved this court for a
5 preliminary injunction, based on the same arguments presented in this motion (including
6 the argument that Wells Fargo does not have standing to foreclose because it is not the
7 holder of the note, the argument that the securitization of plaintiff's loan prevents
8 foreclosure, and the argument that the chain of title has been broken). All of these
9 arguments were considered and rejected by this court in its denial of plaintiff's preliminary
10 injunction motion. See Dkt. 27 (Apr. 22, 2013). Thus, for the same reasons set forth in that
11 order, the court finds that plaintiff cannot establish likelihood of success on the merits of her
12 claims, and DENIES her request to enjoin the foreclosure.

13
14 **IT IS SO ORDERED.**

15 Dated: September 27, 2013



PHYLLIS J. HAMILTON
United States District Judge